

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT
(PCT Article 36 and Rule 70)

REC'D	19 DEC 2003
WIPO	PCT

Applicant's or agent's file reference 148689 PCT	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA/416)	
International application No. PCT/IL03/00202	International filing date (day/month/year) 12.03.2003	Priority date (day/month/year) 14.03.2002
International Patent Classification (IPC) or both national classification and IPC E01F15/08		
Applicant MEIDAN, Yoram		

<p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 6 sheets, including this cover sheet.</p> <p><input type="checkbox"/> This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of sheets.</p>
<p>3. This report contains indications relating to the following items:</p> <ul style="list-style-type: none"> I <input checked="" type="checkbox"/> Basis of the opinion II <input type="checkbox"/> Priority III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability IV <input checked="" type="checkbox"/> Lack of unity of invention V <input checked="" type="checkbox"/> Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement VI <input type="checkbox"/> Certain documents cited VII <input type="checkbox"/> Certain defects in the international application VIII <input type="checkbox"/> Certain observations on the international application

Date of submission of the demand 10.10.2003	Date of completion of this report 17.12.2003
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized Officer Kerouach, M Telephone No. +49 89 2399-7285



**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No.

PCT/I/L03/00202

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, Pages

1-6 as originally filed

Claims, Numbers

1-23 as originally filed

Drawings, Sheets

1/4-4/4 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- the language of publication of the international application (under Rule 48.3(b)).
- the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- contained in the international application in written form.
- filed together with the international application in computer readable form.
- furnished subsequently to this Authority in written form.
- furnished subsequently to this Authority in computer readable form.
- The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- the description, pages:
- the claims, Nos.:
- the drawings, sheets:

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No.

PCT/I/L03/00202

5. This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

IV. Lack of unity of invention

1. In response to the invitation to restrict or pay additional fees, the applicant has:

- restricted the claims.
- paid additional fees.
- paid additional fees under protest.
- neither restricted nor paid additional fees.

2. This Authority found that the requirement of unity of invention is not complied with and chose, according to Rule 68.1, not to invite the applicant to restrict or pay additional fees.

3. This Authority considers that the requirement of unity of invention in accordance with Rules 13.1, 13.2 and 13.3 is

- complied with.
- not complied with for the following reasons:

see separate sheet

4. Consequently, the following parts of the international application were the subject of international preliminary examination in establishing this report:

- all parts.
- the parts relating to claims Nos. .

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	4,5,8-17,19-23
	No: Claims	1,2,3,6,7,18
Inventive step (IS)	Yes: Claims	4,5,8-17,19-23
	No: Claims	1,2,3,6,7,18
Industrial applicability (IA)	Yes: Claims	1-23
	No: Claims	

2. Citations and explanations

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. **PCT/L03/00202**

see separate sheet

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/IL03/00202

Re Item IV

Lack of unity of invention

The subject-matter of independent claims 1 and 18 is already known (see points 2.1. and 2.2.). The requisite unity of invention (Rule 13.1 PCT) therefore no longer exists inasmuch as a technical relationship involving one or more of the same or corresponding special technical features in the sense of Rule 13.2 PCT does not exist between the subject-matter of the following groups of dependent claims:

- a) claims 4-5, 7-9, 12-14, 19,20: a crash barrier assembly with elements resiliently connected to each others by a rod at least partly movable within a bore which comprises energy absorbing means
- b) claim 10: a crash barrier assembly with elements resiliently connected to each others by flat plate members
- e) claims 11, 21: a crash barrier assembly with elements resiliently connected to each others by a rod comprising a thread and cap screwed on the thread against the forces of a spring
- f) claims 15, 22: a crash barrier assembly with elements resiliently connected to each others and comprising energy absorbing bodies affixed on their connecting sides
- g) claims 16-17,23: a crash barrier assembly with elements resiliently connected to each others and comprising an energy absorbing body introduced in a groove on a connecting side.

Re Item V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. The following documents are referred to in this report:

D1 = FR-A-2 719 063 (1995-10-27)

D2 = US-A-4 376 594 (1983-03-15)

2. Document D1 is considered to represent the most relevant state of the art.

- 2.1 D1 discloses (cf. page 1, lines 2-3, figures 1,3) a **crash barrier assembly** comprising

- a plurality of prismatic, solid structural elements (cf. figure 5), at least one of said elements having a shoulder forming two vertical surfaces and a horizontal surface on at least one of its sides, and another element having substantially matching surfaces on at least one of its sides, so as to facilitate juxtaposing of said elements (cf. figure 5), and
- coupling means for resiliently interconnecting said elements to each other in a manner facilitating controlled movement along the horizontal surface of said one element with respect

to the other about said coupling means (cf. page 6 lines 21-24 and figures 5 and 7).

Thus, the combination of features of independent claim 1 is entirely disclosed by the device described in D1. Therefore, the subject-matter of claim 1 is **not new** (Article 33 (2) PCT).

Remark: the combination of features of independent claim 1 is also entirely disclosed by the device described in D2 (cf. D2, figures 3, 5, 6).

- 2.2. Further, D2 discloses implicitly a **method for erecting a crash barrier** as defined in claim 18, since the claimed steps are the only possible way for connecting the crash barrier disclosed in D2 (cf. figure 5). Thus, the combination of features of independent claim 18 is also entirely disclosed by the device described in D2. Therefore, the subject-matter of claim 18 is **not new** (Article 33 (2) PCT).
- 2.3. Notwithstanding the lack of unity mentioned in Re Item IV, the conformity of the claims to the PCT will be briefly addressed in the following:
 - a) claims 2, 3 and 6 are not new because their subject-matter is entirely disclosed by the device described in D1 or D2 (cf. D1, figure 1 and 3 and page 7, line 15 and D2, figure 3 and 5).
 - b) claim 7 is not new because its subject-matter is entirely disclosed by the device described in D1 (cf. D1, figure 1 and 3 and page 7, line 24).
 - c) The **combinations of features** of dependent claims 4, 8, 10, 11, 12, 13, 15, 16, and 19-23 are neither known from, nor rendered obvious by, the available prior art cited in the international search report. Therefore, the subject-matter of claims 4, 8, 10, 11, 12, 13, 15, 16, and 19-23 is considered to be **new** and to involve an inventive step (Article 33 (2) and (3) PCT).

Observations

3. The features of the claims are not provided with **reference signs** placed in parentheses (Rule 6.2(b) PCT).
4. Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art disclosed in the documents D1 and D2 is not mentioned in the **description**, nor are these documents identified therein.
5. The **last paragraph** of the description should have been **deleted**, to avoid an expansion of the extent of protection in some vague and not precisely defined way (PCT-Guidelines C-III, 4.3a and 6.5).